

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NOER FARES, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Case No.: 21-CV-753

H, B & H, LLC d/b/a ON THE BORDER
GENTLEMEN'S CLUB, a Wisconsin
Limited Liability Corporation; GERALD
HAY, an individual, and DOES 1 through 10,
Inclusive,

Defendants.

DEFENDANTS H, B & H, LLC d/b/a ON THE BORDER GENTLEMEN'S CLUB AND
GERALD HAY'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

Defendants, H, B & H, LLC d/b/a On the Border Gentlemen's Club and Gerald Hay, by their attorneys, Terschan, Steinle, Hodan & Ganzer, Ltd., by Amber L. Herda and W. Timothy Steinle, pursuant to Fed. R. Civ. P. 56 hereby move this Court for an Order for summary judgment, dismissing this case against them in its entirety, finding that (1) the defendants did not fail to pay minimum wage pursuant to FLSA, 29 U.S.C. §206; (2) defendants did not take illegal kickbacks in violation of 29 C.F.R. §531.35; and (3) defendants did not engage in forced tipping, in violation of 29 C.F.R. §531.35.

The grounds for this motion are found in the supporting Memorandum of Law, Statement of Proposed Material Facts pursuant to Civil. L. R. 56(b)(1)C) and Affidavit of Amber L. Herda.

Dated at Milwaukee, Wisconsin this 28th day of December, 2022.

TERSCHAN, STEINLE, HODAN & GANZER, LTD.
Attorneys for the Defendants, H, B & H, LLC d/b/a
On the Border Gentlemen's Club and Gerald Hay

Electronically signed by Amber L. Herda

State Bar No.: 1057713

Electronically signed by W. Timothy Steinle

State Bar No.: 1003777

P.O. ADDRESS:

309 North Water Street, Suite 215

Milwaukee, WI 53202

T: (414) 258-1010

F: (414) 258-8080

amber@tshglaw.com

timothy.steinle@tshglaw.com

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2022, I electronically filed the foregoing document with the Clerk of Court using the ECF system. The ECF system will send notification of the filing to all attorneys of record.

The foregoing document was served upon the following pro se plaintiff via U.S. Mail, to her last known address, on December 28, 2022:

Elizabeth Kornoelje
11649 Greenlake Road
Middleville, WI 49333

Dated at Milwaukee, Wisconsin this 28th day of December, 2022.

TERSCHAN, STEINLE, HODAN & GANZER, LTD.
Attorneys for the Defendants, H, B & H, LLC
d/b/a On the Border Gentlemen's Club and
Gerald Hay

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